

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Agnieszka Boesen Art Unit: 1648
Re: Application of: SUNG, Young Chul et al.
 Serial No.: 10/528,644
 Filed: March 18, 2005

For: **A VACCINE ENHANCING THE PROTECTIVE
IMMUNITY TO HEPATITIS C VIRUS USING
PLASMID DNA AND RECOMBINANT
ADENOVIRUS**

DECLARATION OF DEPOSITOR

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

November 15, 2007

SIR:

I, SUNG, Young Chul hereby state:

1. That I am a co-inventor of the above-identified patent application.
2. That, on August 29, 2002, I deposited samples of

pGX10 gDsAST, pGX10, pGX10 NS5, rAd gDsAST, rAd gDsNS34 and rAd NS5

with the *Korean Culture Center of Microorganisms (KCCM)*, as an International Depository Authority, at #361-221 Yurim B/D, Hongje-1-dong, Seodaemun-gu, Seoul 120-091, Republic of Korea, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Numbers KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively.

Copies of the accession agreement are annexed hereto as Exhibit A.

3. I hereby assure the United States Patent and Trademark Office and the public that
(a) all restrictions on the availability to the public of the deposited materials referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is

the subject; (b) the deposited materials will be maintained for a period of at least five years after the most recent request for the furnishing of samples of any of the deposited materials were received by the KCCM and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.14 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

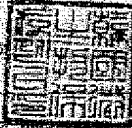
* November 15, 2007
Date

SUNG, Young Chul



Exhibit A

Deposit Receipts for KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively in U.S. Ser. No. 10/528,644 are as follow:

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE	
INTERNATIONAL FORM	
To: Young Chul Sung Department of Life Science, Pohang University of Science and Technology, Pohang 790-781, Korea	RECEIPT IN THE CASE OF AN ORIGINAL Issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY located at the bottom of this page
I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: KCCM-10415	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: KCCM-10415
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was characterized by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 21, 2006 (date of the original deposit)	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Korean Culture Center of Microorganisms Address: 361-221, Yuseon Bldg. Bangil 1-dong Seodangmyeong SEOUL 120-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s) Date: Sep. 3, 2006 

Where Rule 6.4(d) applies, such date is the date on which the strain of microorganism deposited with the International Depositary Authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of International Depositary Authority is concerned, such date is the date on which the microorganism was received by the International Depositary Authority.

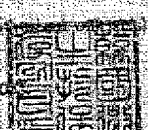
Form PP/4. Sole copy.

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

To: Young Chul Shin
Department of Life Science
Pohang University of Science and Technology
Pohang 790-784, Korea

RECEIPT IN THE CASE OF AN ORIGINAL
Based pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR PX13-NS34	Accession number given to the INTERNATIONAL DEPOSITARY AUTHORITY KCCM-1047
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a taxonomic certificate <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
The International Depositary Authority accepts the microorganism identified under I above which was received by it on Aug. 23, 2002 (date of the original deposit)	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Korean Culture Center of Microorganisms Address: 581-021, Yuseon B/D Yusong-1-dong, Seongnam-si SEOUL 129-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority as of date of receipt of deposit Date: Sep. 5, 2002 

Where Rule 6.1(d) applies, such date is the date on which the status of international depositary authority was acquired, where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty; such date is the date on which the microorganism was received by the international depositary authority.

Form ID/4


Self page

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

To: Young Choi, Esq.
Department of Life Science
Pohang University of Science and Technology
Pohang 780-784, Korea

RECEIPT IN THE CASE OF AN ORIGINAL
issued pursuant to Rule 9.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR GX10-NSS	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY KCCM-10416
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> A scientific description <input type="checkbox"/> A proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002. (Date of this original deposit)	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Korean Culture Center of Microorganisms Address: 261-22, Yuseong 2-dong Dongjeon 1-gil Yuseong-gu SEOUL 150-091 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s) Date: Sep. 5, 2002 

1 Where Rule 1.4(d) applies, such date is the date on which the status of International Depositary Authority was acquired; where a deposit made pursuant to the Budapest Treaty after the acquisition of the status of International Depositary Authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the International Depositary Authority.

Form ID/4

Self only

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURES**

INTERNATIONAL FORM

The Young Chul Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 750-707, Korea

RECEIPT IN THE CASE OF AN ORIGINAL
deposited pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

A. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITION:
KCTC 9504ST

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:
KCCM-10418

B. SCIENTIFIC DESCRIPTION AND/OR PHOTOGRAPH TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

- ☐ a scientific description
☐ a proposal taxonomic designation

Mark with a cross where applicable

C. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I above which was
received by it on Aug. 23, 2002. (Date of the original receipt)

D. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Korean Culture Center of Microorganisms
Address: 261-22, Naein Bldg
Songjeong-2-dong,
Seodaeam-gu
SEOUL 120-021
Republic of Korea

Signature(s) of person(s) having the power
to represent the International Depositary

Authority or an authorized official(s)

Date: Sep. 6, 2002



Where Rule 5.1(d) applies, such date is the date on which the status of international depositary authority was acquired, where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

Form 22/4


June 1992

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

Dr. Yoon, Chul Sung
Department of Life Science
Pohang University of Science and Technology
Pohang 790-784, Korea

RECEIPT IN THE CASE OF AN ORIGINAL
Issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITORY AUTHORITY
Headed at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification requested by the DEPOSITOR KAS-2DMS34	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY KCCM-10420
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation Blank with a note, where applicable	
III. RECEIPT AND ACCEPTANCE	
The International Depository Authority accepts the microorganism identified under I above, which was received by it on Sep. 21, 1992. (Date of the original deposit)	
IV. INTERNATIONAL DEPOSITORY AUTHORITY	
Name: Korea Culture Center for Microorganisms Address: 301-22, Yuseon B/O Hongseong-dong, Seodangsan-gu SEOUL 120-091 Republic of Korea	Signature (s) of person(s) having the power to represent the International Depository Authority or of authorized official(s) Date: Sep. 21, 1992 

Where Rule 6.5(d) applies, indicate in the date on which the status of international depository authority was required; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depository authority is transferred here to deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depository authority.

Form ID/74


50.18 pages

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

To: Young Chul Sung
Department of Life Science,
Pohang University of Science and Technology,
Pohang 790-784, Korea

RECEIPT IN THE CASE OF AN ORIGINAL
Issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
Identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR : AGENSE	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY : KCCM-19419
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <input type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on Aug. 29, 2002 (date of the original deposit)	
IV. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Korean Culture Center for Microorganisms Address: 281-221, Yongsu B/D Offongje-1-dong Seoul 120-691 Republic of Korea	Signature(s) of person(s) having the power to represent the International Depositary Authority by or authorized official(s) Date: Sep. 5, 2002 

Where Rule 6.1(d) applies, such date is the date on which the status of international depositary authority was acquired; where a deposit made outside the Budapest Treaty after the acquisition of the status of international depositary authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

Form BPA

Side page